IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REVISION APPLICATION No.436 of 2007

Rekha Vitthal Patil Applicant.

Vs.

The State of Maharashtra &
Anr ..Respondents.

Mr Sachin Dalvi i/b P. R. Dave, Advocate for the Applicant.

Ms S. D. Shinde, APP for the Respondent No.1-State.

CORAM: V. C. DAGA,J.
DATED: 26. 9. 2007.

P.C.:-

1. Heard Mr Dalvi, Advocate, holding for Mr P.R. Dave, Advocate. He informs that Mr P.R. Dave, Advocate is engaged in the Sessions Court. Hence adjournment should be granted.

2. Needless to mention that on 10.9.2007 (i.e. the date of hearing) nobody was present on behalf of the applicant even at second call. Consequently, the revision application was dismissed for want of prosecution. Thereafter, it was restored, subject to payment of costs of Rs.1,000/-.

2. Even, today, as stated above, Mr Dalvi, Advocate, holding for Mr P. R. Dave is

seeking adjournment. He does not have brief with him. Adjournment cannot be granted merely for asking. Engagement of the Advocate in the Trial Court cannot be a ground for adjournment. The Advocate cannot tell the High Court that he is busy in trial Court and that the High Court should wait for him or adjourn his case.

3. In the above circumstances, the petition is dismissed in default for want of prosecution with costs, quantified in the sum of Rs. 3,000/-,to be deposited with Kirtikar Law Library within one week from today. Applicant is put on notice that he shall not be entitled to move for restoration unless costs are paid and acknowledgement thereof is produced on record.

4. Revision application stands disposed of.

(V.C. DAGA,J.)